

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NOVOZYMES A/S,

Plaintiff

v.

C.A. No. 05-160-KAJ

GENENCOR INTERNATIONAL, INC., and

ENZYME DEVELOPMENT CORPORATION

Defendants

**PLAINTIFF'S NOTICE OF DEPOSITION UNDER FED. R. CIV. P. 30(b)(6)**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD IN THIS ACTION:

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure 26 and 30(b)(6), Plaintiff Novozymes A/S ( "Novozymes"), by and through its attorneys, will take the deposition upon oral examination of Defendants Genencor International, Inc. and Enzyme Development Corporation (collectively, "Genencor"), commencing on July 19, 2006 at 9:00 a.m. at the offices of Darby & Darby, 805 Third Avenue, New York, New York, 10022, or at such other place or time or in such other manner as may be mutually agreed upon among the parties or determined by the Court.

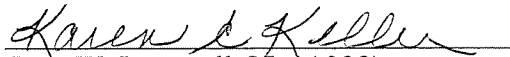
PLEASE TAKE FURTHER NOTICE that, pursuant to Federal Rule of Civil Procedure 30(b)(6), Genencor is obligated to designate and produce one or more officers, directors, managing agents, employees or agents who are most knowledgeable and consent to testify on its behalf as to the subjects set forth in Attachment A hereto.

The definitions set forth in Novozymes' First Set of Interrogatories to Genencor and Novozymes' First Set of Document Requests to Genencor served on July 1, 2005, are hereby incorporated by reference.

This deposition will be taken before a certified shorthand reporter and will continue from day to day, excluding Saturdays, Sundays and holidays, until completed. Novozymes reserves the right to videotape this deposition, should videotaping appear necessary or desirable.

**NOVOZYMES A/S**

Dated: July 12, 2006



Josy W. Ingersoll (No. 1088)

Rolin P. Bissell (No. 4478)

Karen Keller (No. 4489)

**YOUNG CONAWAY STARGATT &  
TAYLOR, LLP**

1000 West Street, 17th Floor

Wilmington, Delaware 19801

(302) 571-6600

kkeller@ycst.com

Joseph R. Robinson

David Telleson

Robert C. Sullivan, Jr.

**DARBY & DARBY P.C.**

805 Third Avenue

New York, New York 10022

(212) 527-7700

*Attorneys for Plaintiff*

*Novozymes A/S*

**ATTACHMENT A**

**DEFINITIONS**

1. The definitions set forth in Novozymes' First Set of Interrogatories to Genencor and Novozymes' First Set of Document Requests to Genencor, served on July 1, 2005, are hereby incorporated by reference.

2. Headings herein are for identification purposes and do not serve to limit any deposition topic, nor to circumscribe the scope of any discovery hereunder.

3. The term "Genencor" refers to defendant Genencor International, Inc..

4. The term "EDC" refers to defendant Enzyme Development Corporation.

5. The term "Spezyme® Ethyl Products" refers to each and every Genencor product which contains the same alpha amylase that is used in Spezyme® Ethyl.

6. The term "in the U.S." refers to activities or events, including but not limited to the importation of products or services, that (i) take (or took) place in, (ii) related (or related) to, (iii) concern (or concerned), or (iv) involve (or involved) in any way, the United States.

7. The term "Relevant Time Period" refers to the time period from January 1, 2004 through and including the actual date of the deposition.

**TOPICS FOR DEPOSITION**

**TOPIC NO. 1 (Sales of Spezyme® Ethyl Products)**

The volume, revenue, costs, and profits related to the sales by Genencor and/or EDC of Spezyme® Ethyl products in the U.S. during the Relevant Time Period.

**TOPIC NO. 2** (Sales of Spezyme® Fred products)

The volume, revenue, costs, and profits related to the sales by Genencor and/or EDC of Spezyme® Fred products in the U.S. during the Relevant Time Period.

**TOPIC NO. 3** (Sales of Gluco Amylase Products)

The volume, revenue, costs, and profits related to the sales by Genencor and/or EDC of gluco amylase products in the U.S. during the Relevant Time Period.

**TOPIC NO. 4** (Marketing of Gluco Amylase Products)

The marketing by Genencor of gluco amylase products, and the practice in the relevant industry of linking (or attempting to link) the sales of gluco amylase products to the sales of alpha amylase products by marketing, promotion, pricing, or otherwise, in the U.S. during the Relevant Time Period.

**TOPIC NO. 5** (Pricing Trends)

Pricing, in the markets in which Novozymes' Liquezyme and Termamyl products and Genencor's Spezyme® Ethyl Products compete, of these products.

**TOPIC NO. 6** (Reputation)

The relative reputation of Novozymes and Genencor, among customers of alpha amylase and gluco amylase products, regarding product quality, customer service, technical service, and/or innovation in the markets in which Novozymes' Liquezyme and Termamyl products and Genencor's Spezyme® Ethyl Products compete and in the related gluco amylase markets.

**TOPIC NO. 7 (Market Share)**

The percentage share in both revenue and volume of sales by Novozymes and Genencor for the markets in which Novozymes' Liquozyme and Termamyl products and Genencor's Spezyme® Ethyl Products compete and in the related gluco amylase markets.

**TOPIC NO. 8 (Non-infringing Substitutes)**

Any product(s) that Genencor contends or believes would constitute a non-infringing substitute for its Spezyme® Ethyl Products since the issuance date of the '031 Patent.

**TOPIC NO. 9 (Willfulness)**

Genencor's defense to and all relevant facts concerning Novozymes' allegation of willful infringement of the '031 Patent, including all factors considered by the courts on the issue, and especially (i) any basis (such as an opinion of counsel) for Genencor's good faith belief of non-infringement, invalidity, or unenforceability of the '031 Patent; (ii) any action taken by Genencor in forming such a belief; (iii) Genencor's actual reliance upon that belief; (iv) any evidence of copying and/or independent development by or on behalf of Genencor of the Spezyme® Ethyl alpha amylase; and (v) patentability of the Spezyme® Ethyl alpha amylase.

**TOPIC NO. 10 (Market Participants)**

The companies or business entities participating in the markets in which Novozymes' Liquozyme and Termamyl products and Genencor's Spezyme® Ethyl Products compete and in the related gluco amylase markets, and Genencor's expectation or belief of future entrants into these markets.

**TOPIC NO. 11** (Genencor-EDC Relationship)

The relationship between Genencor and EDC, including (i) any indemnification agreement(s) between Genencor and EDC; (ii) any practice and/or policy understood by Genencor and EDC concerning pricing, delivery, or management of inventory with regard to Spezyme® Ethyl Products and related gluco amylase products; (iii) the manner in which Genencor and EDC allocate or distribute responsibility for marketing, sales, customer service, and/or technical service functions with regard to Spezyme® Ethyl Products and related gluco amylase products; and (iv) any distribution agreement between Genencor and EDC concerning products or services.

**CERTIFICATE OF SERVICE**

I, Karen E. Keller, hereby certify that on July 12, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

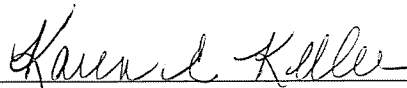
Donald E. Reid, Esquire  
MORRIS NICHOLS ARSHT & TUNNELL  
1201 North Market Street  
PO Box 1347  
Wilmington, DE 19899-1347

I further certify that on July 12, 2006, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

**BY ELECTRONIC MAIL**

Tharan Gregory Lanier, Esquire  
Jane Froyd, Esquire  
JONES DAY  
2822 Sand Hill Road, Suite 240  
Menlo Park, CA 94025

YOUNG CONAWAY STARGATT & TAYLOR, LLP



Karen E. Keller (No. 4489)  
The Brandywine Building  
1000 West Street, 17th Floor  
Wilmington, DE 19801  
(302) 571-6600  
kkeller@ycst.com

*Attorneys for Novozymes A/S*